

OCT 22 2003

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PTO/SB/21 (6-99)

Approved for use through 09/30/2000. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

(to be used for all correspondence after initial filing)

		Application Number	10/029,113
		Filing Date	DECEMBER 19, 2001
		First Named Inventor	JAIME RAMIREZ-VICK
		Group/Art Unit	1637
		Examiner Name	YOUNG J. KIM
Total Number of Pages in This Submission	17	Attorney Docket Number	25527-0001

ENCLOSURES (check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Copy of an Assignment	<input type="checkbox"/> After Allowance Communication to Group
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment / Response	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input checked="" type="checkbox"/> PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM UNDER 37 C.F.R. §1.119(E)	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Version With Markings Showing Changes	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Status Letter
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, by Assignee to Exclusion of Inventor Under 37 C.F.R. §3.71 With Revocation of Prior Powers	<input type="checkbox"/> Additional Enclosure(s) (please identify below):
<input type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Terminal Disclaimer	<input checked="" type="checkbox"/> STAMPED RETURN POSTCARD
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Small Entity Statement	
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input type="checkbox"/> Request for Refund	
<input type="checkbox"/> Response to Missing Parts/ Incomplete Application		
<input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53		
<input type="checkbox"/> Copy of Notice		
Remarks		
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT 08-1641 FOR ANY FEES DUE IN CONNECTION WITH THIS PAPER, REFERENCING ATTORNEY'S DOCKET NO. <u>25527-0001</u> .		

SIGNATURE OF APPLICANT, ATTORNEY OR AGENT

Firm or Individual name	HELLER EHRLMAN WHITE & McAULIFFE LLP 275 Middlefield Road, Menlo Park, California 94025	JAMES A. FOX (Reg. No. 38,455) Telephone: (650) 324-7000	Facsimile: (650) 324-0638
Signature			
Date	October 22, 2003	Customer Number:	25213

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. §1.10 on the date indicated below and addressed to: MAIL STOP PETITION, Commissioner for Patents, PO Box 1450, Alexandria, Virginia 22313-1450, on this date: October 22, 2003

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Express Mail Label EL 976 543 386 US

Typed or printed name	C. FONG	OCT 29 2003
Signature		Date
		October 22, 2003
		OFFICE OF PETITIONS

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop _____, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Jaime Ramirez-Vick) Examiner: Young J. KIM
Application Serial No.: 10/029,113)
Filed: December 19, 2001) Attorney's Docket No. 25527-0001
For: Reversible Binding of Molecules) Customer No. 25213
to Metal Substrates Through)
Affinity Interaction)

EXPRESS MAIL LABEL NO. EV 976543386 US

Date Mailed: OCTOBER 22, 2003

**PETITION TO ACCEPT AN UNINTENTIONALLY DELAYED PRIORITY CLAIM
UNDER 37 C.F.R. § 1.119(e)**

Mail Stop Petitions
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

Applicants petition the United States Patent and Trademark Office to accept the benefit of the prior-filed provisional application 60/134,110 in pending United States Patent Application Serial No. 10/029,113. Accordingly, applicants petition the United States Patent and Trademark Office that United States Patent Application Serial No. 10/029,113 be afforded the following priority claim:

United States Patent Application Serial No. 10/029,113 is a continuation of United States Patent Application Serial No. 09/571,084 filed May 15, 2000, now abandoned, and claims the benefit of United States Provisional Application Serial No. 60/134,110, filed May 14, 1999.

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REMARKS

Provisional Application 60/134,110 entitled "Method for Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed on May 14, 1999 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. A copy of the filing receipt of Provisional Application 60/134,110 accompanies this Petition.

Non-provisional United States Patent Application 09/571,084 entitled "Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed May 15, 2000 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc. One of the documents filed in response to the Notice to File Missing Parts in that application was a **VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL-ENTITY STATUS** (37 CFR 1.9(c-f) and 1.27 (b-d) naming the above-named provisional application 60/134,110. A copy of the filing receipt and of the documents filed in response to the Notice to File Missing Parts is enclosed.

Non-provisional United States Patent Application 09/571,084 is entitled to claim priority to provisional application 60/134,110 since application 09/571,084 has the same inventor and subject matter as that provisional application, and was filed on the first working day (May 15, 2000) following the one-year anniversary of the filing date (May 14, 1999) of provisional application 60/134,110. Enclosed is a copy of a calendar for May 2000 showing that May 14, 2000 was a Sunday and that May 15, 2000 was a Monday, the first working day following May 14, 2000.

The present application, United States Patent Application Serial No. 10/029,113, entitled "Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions" was filed on December 19, 2001 by inventor Jaime Ramirez Vick and his assignee Iris Biotechnologies, Inc., and is a continuation of United States Patent Application 09/571,084. A copy of the filing receipt of application 10/029,113 accompanies this petition.

Pending application 10/029,113, a continuation of application 09/571,084, filed on Monday, May 15, 2000, is entitled to claim the benefit of provisional application 60/134,110 filed on May 14, 1999, since the inventor of the non-provisional application is the inventor of the provisional application, there is common subject matter in both applications, and the parent non-provisional application was filed on the first business day after the one-year anniversary of the filing date of the provisional application.

Enclosed is a copy of an Amendment to amend the specification of United States Patent Application 10/029,113 to claim the benefit of provisional application 60/134,110.

The Commissioner is authorized to charge (or credit any overpayment) deposit account No. 08-1641 referencing Attorney Docket No. 99999-0208 in payment for the fees due for this Petition. Such payment is believed to be in the amount of \$1,330 for the petition fee required by 37 C.F.R. § 1.17(t) (fee code 1454).

This petition includes:

- a) the reference required by 35 U.S.C. 119(e) and 37 CFR 1.78(a)(5)
- b) the surcharge under 37 CFR 1.17(t) (the above-indicated authorization)
- c) a statement that the entire delay between the claim was due under 37 CFR 1.78(a)(5) and the date the claim was filed was unintentional (below).

STATEMENT

The entire delay between the date the priority claim to provisional application Serial No. 60/134,110 was due and the date this claim is filed was unintentional.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements made with the knowledge that willful false statements and

the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

Respectfully submitted,



James A. Fox (Reg. No. 38,455)

Date: October 22, 2003

HELLER EHRLICH WHITE & McAULIFFE LLP
275 Middlefield Road
Menlo Park, California 94025
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

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O I P E
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U N I T E D S T A T E S P A T E N T A N D T R A D E M A R K O F F I C E

Page 1 of 2

YPC/CP

UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND'CLAIMS
10/029,113	12/19/2001	1656	0.00	25527-0001 C1	3	11	2

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APR 15 2002

HEWM LLP - P.A.

William Schmonsees
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

CONFIRMATION NO. 2617

FILING RECEIPT



OC000000007849262

Date Mailed: 04/11/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jaime E. Ramirez-Vick, Berkeley, CA;

Domestic Priority data as claimed by applicant

✓ THIS APPLICATION IS A CON OF 09/571,084 05/15/2000 ABN

Foreign Applications

If Required, Foreign Filing License Granted 04/11/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

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Early Publication Request: No

OCT 29 2003

** SMALL ENTITY **

OFFICE OF PETITIONS

Title

✓ Reversible binding of molecules to metal substrates through affinity interactions

Preliminary Class

435

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PROVISIONAL APPLICATION
FILING RECEIPTUNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office
ASSISTANT SECRETARY AND COMMISSIONER
OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTORNEY DOCKET NO.	DRWGS	TOT CL	IND CL
60/134,110	05/14/99		\$100.00	25527-0001		3	

HELLER EHRLMAN WHITE AND MCAULIFFE
525 UNIVERSITY AVENUE
PALO ALTO CA 94301-1900

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JAN 24 2000

H.E.W.M.-P.A.

RECEIPT is acknowledged of this Provisional Application. This Provisional Application will not be examined for patentability. Be sure to provide the PROVISIONAL APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Provisional Application Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts of Application" ("Missing Parts Notice") in this application, please submit any corrections to this Filing Receipt with your reply to the "Missing Parts Notice." When the PTO processes the reply to the "Missing Parts Notice," the PTO will generate another Filing Receipt incorporating the requested corrections (if appropriate). This Provisional Application will automatically be abandoned twelve (12) months after its filing date and will not be subject to revival to restore it to pending status beyond a date which is after twelve (12) months from its filing date.

Applicant(s) JAMIE RAMIREZ-VICK, BERKELEY, CA.

IF REQUIRED, FOREIGN FILING LICENSE GRANTED 06/14/99 ** SMALL ENTITY **
TITLE

METHOD FOR REVERSIBLE BINDING OF MOLECULES TO METAL SUBSTRATES
THROUGH AFFINITY INTERACTIONS

HEWM-SILICON VALLEY
PATENT DOCKETING

JAN 24 2000

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DATABASE ENTRY

BY: JL

OCT 29 2003

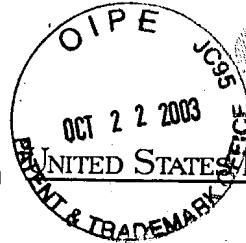
OFFICE OF PETITIONS

DATA ENTRY BY: MCCRAY, DUANE

TEAM: 05 DATE: 01/10/00

B. Schmoness/dkm





UNITED STATES PATENT AND TRADEMARK OFFICE

Page 1 of 2
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WASHINGTON, D.C. 20231
www.uspto.gov

APPLICATION NUMBER	FILING DATE	GRP ART UNIT	FIL FEE REC'D	ATTY.DOCKET.NO	DRAWINGS	TOT CLAIMS	IND CLAIMS
10/029,113	12/19/2001	1656	0.00	25527-0001 C1	3	11	2

RECEIVED

APR 15 2002

William Schmonsees
Heller Ehrman White & McAuliffe LLP
275 Middlefield Road
Menlo Park, CA 94025-3506

HEWM LLP - P.A.

CONFIRMATION NO. 2617 /

FILING RECEIPT



OC000000007849262

Date Mailed: 04/11/2002

Receipt is acknowledged of this nonprovisional Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt: If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Customer Service Center. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Jaime E. Ramirez-Vick, Berkeley, CA;

Domestic Priority data as claimed by applicant

 THIS APPLICATION IS A CON OF 09/571,084 05/15/2000 ABN

Foreign Applications

If Required, Foreign Filing License Granted 04/11/2002

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

** SMALL ENTITY **

Title

Reversible binding of molecules to metal substrates through affinity interactions

Preliminary Class

435

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RECEIVED BY THE U.S. PATENT AND TRADEMARK OFFICE:

File No. / Attorney 25527-0001 WS/SCH

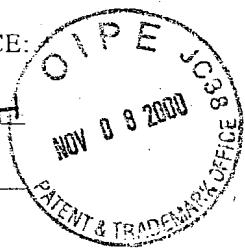
Application No. 09/571,084

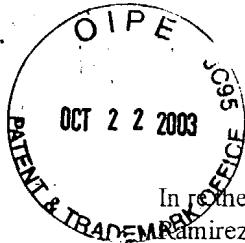
Date Mailed Nov 2, 2000

Documents Notice to File Missing Parts (Part 2)

SIGNED DECLARATION & POWER OF ATTORNEY

SMALL ENTITY STATEMENT





PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of
Ramirez-VickFor: REVERSIBLE BINDING OF MOLECULES
TO METAL SUBSTRATES THROUGH
AFFINITY INTERACTIONS

Serial No.: 09/571,084

Filed: May 15, 2000

Docket No.: 25527-0001

Examiner: Not Assigned

Group Art Unit: 1643

RESPONSE TO NOTICE TO FILE MISSING
PARTS OF APPLICATION

BOX MISSING PARTS

Assistant Commissioner for Patents
Washington, D.C. 20231

Dear Sir:

1. In response to the Notice to File Missing Parts of Application *Filing Date Granted* mailed on August 2, 2000, transmitted herewith are the following:

- Part 2 of the Notice;
 Declaration and Power of Attorney (signed)
 Return Receipt Postcards.

2. Filing Fee Calculation

Description	Fee Code	Claims	Extra	Rate	Fee
Basic Fee	201				\$ 355
Independent Claims	102	2 - 3=	0 x	\$80=	\$ 0
Total Claims	103	11 - 20=	0 x	\$18=	\$ 0

Filing Fee \$ 355

3. Applicants hereby request an extension of time for one months from 10/2/00 to 11/2/00. Fee Code 215. \$ 55

4. Additional Fees: Missing Parts Surcharge Fee Code 205: \$ 65

Total Fees Due. \$475

5. Payment of Fees.

- Please charge the total fees due in the amount of \$475 to Deposit Account No. 08-1641, referencing Atty. Docket No. 25527-0001. A duplicate copy of this sheet is enclosed.
 The Commissioner is hereby authorized to charge any additional fees and to credit any overpayment of fees which may be required in this application under 37 CFR §1.16 and §1.17, to Deposit Account No. 08-1641, referencing Atty. Docket No. 25527-0001.

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Respectfully submitted,

NOV 8 - 2000

HEWM LLP - P.A.

By:

William Schmonsees
Reg. No. 31,796

Heller Ehrman White & McAuliffe LLP
525 University Avenue, Suite 1100
Palo Alto, CA 94301-1900
Telephone: (650) 324-7000
Facsimile: (650) 324-0638

CERTIFICATE OF MAILING PURSUANT TO 37 CFR §1.8

I hereby certify that this paper is being deposited in the USPS as first class mail, postage prepaid, addressed to BOX MISSING PARTS, Assistant Commissioner for Patents, Washington D.C. 20231, on November 2, 2000, in Palo Alto, CA.

FORMALITIES LETTER



OC00000005289784

UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark OfficeAddress: COMMISSIONER OF PATENT AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
09/571,084	05/15/2000	James E. Ramirez-Vick	25527-0001

William Schmonsees
 Heller Ehrman White & McAuliffe
 525 University Avenue
 Palo Alto, CA 94301-1900

Date Mailed: 08/02/2000

NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

Filing Date Granted

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given TWO MONTHS from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The statutory basic filing fee is missing.
Applicant must submit \$ 480 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).
- The oath or declaration is missing.
A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.
- The balance due by applicant is \$ 610.

A copy of this notice MUST be returned with the reply.

C. Barnes
 Customer Service Center
 Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE

RECEIVED

NOV 8 - 2000

HEWM LLP - P.A.

**DECLARATION AND
POWER OF ATTORNEY**

Attorney Docket No. 25527-0001

As the below named inventor, I hereby declare as follows:

My residence, post office address and citizenship are as stated below next to my name.

I believe that I am the original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled:

**REVERSIBLE BINDING OF MOLECULES TO METAL SUBSTRATES
THROUGH AFFINITY INTERACTIONS**

the Application of which was filed in the United States Patent and Trademark office on May 15, 2000, and assigned application Serial No. 09/571,084.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims.

I acknowledge the duty to disclose information of which I am aware that is material to the examination of this application in accordance with 37 CFR 1.56(a).

I do not know and do not believe: that this invention was ever known or used in the United States of America before my invention thereof; that this invention was patented or described in any printed publication in any country before my invention thereof or more than one year prior to this application; that this invention was in public use or on sale in the United States of America more than one year prior to this application; that this invention has been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representatives or assigns more than twelve months prior to this application; nor that any application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns.

I hereby appoint the following to prosecute this application and to transact all business in the United States Patent and Trademark Office connected therewith:

William B. Anderson, Reg. No. 41,595

Victoria L. Boyd, Reg. No. 43,510

Y. Ping Chow, Reg. No. 30,740

James A. Fox, Reg. No. 38,455

Derek P. Freyberg, Reg. No. 29,250

Walter Kurz, Reg. No. 37,373

Edward Lynch, Reg. No. 24,422

Priscilla H. Mark, Reg. No. 41,970

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HEWM LLP - P.A.

**DECLARATION AND
POWER OF ATTORNEY**

Attorney Docket No. 25527-0001

William Schmonsees, Reg. No. 31,796
Soodabeh Tronson, Reg. No. 41,354
Herwig von Morzé, Reg. No. 29,484

Please direct all communications to:

William Schmonsees
Heller Ehrman White & McAuliffe LLP
525 University Avenue
Palo Alto, CA 94301-1900
Direct Dial: (650) 324-7041
Facsimile: (650) 324-0638

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of this application or any patent issuing thereon.

SOLE INVENTOR

INVENTOR'S SIGNATURE

DATE

Jaime E. Ramirez-Vick

10-30-2000

RESIDENCE

CITIZENSHIP

Berkeley, California

United States of America

POST OFFICE ADDRESS

2010 Channing Way #3
Berkeley, CA 94704

248526 v01.PA (5BR\$01!.DOC)
10/13/00 3:27 PM (25527.0001)

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

[X] In re Application of: Jaime E. Ramírez-Vick

Application No: 60/134,110

Group Art Unit: Not assigned

Filed: May 14, 1999

Examiner: Not assigned

For:* Method for Reversible Binding of Molecules to Metal Substrates Through Affinity Interactions

*Note: Insert name(s) of inventor(s) and title also for patent. Where statement is with respect to a maintenance fee payment, also insert application number and filing date, and add Box M. Fee to address.

**VERIFIED STATEMENT (DECLARATION) CLAIMING
SMALL ENTITY STATUS (37 CFR 1.9(c-f) and 1.27(b-d))**

With respect to the invention described in

[] the specification filed herewith.

[X] application no. 60/134,110, filed May 14, 1999.

[] patent no. _____, issued _____

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HEWM LLP - P.A.

I. IDENTIFICATION OF DECLARANT AND RIGHTS AS

I hereby declare that I am a
Small Business Concern

[] the owner of the small business concern identified below:

[X] an official of the small business concern empowered to act on behalf of the concern identified below:

NAME OF CONCERN Iris BioTechnologies, Inc.

ADDRESS OF CONCERN 5201 Great America Pkwy., Suite 320
Santa Clara, CA 95054 and

that the above identified small business concern qualified as a small business concern, as defined in 13 CFR 121.3-18, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees under Sections 41(a) and (b) of Title 35, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

Verified Statement (Declaration) Claiming Small Entity Status
Application No. 60/134,110

Attorney Docket No. 25527-0001

Page 2

II. OWNERSHIP OF INVENTION BY DECLARANT

I hereby declare that rights under contract or law remain with and/or have been conveyed to the above identified

 person concern organization

EXCEPT, that if the rights held are not exclusive, each individual, concern or organization having rights to the invention is listed below* and no rights to the invention are held (1) by any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, (2) any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or (3) a nonprofit organization under 37 CFR 1.9(e).

 no such person, concern, or organization person, concerns or organizations listed below*

III. ACKNOWLEDGEMENT OF DUTY TO NOTIFY PTO OF STATUS CHANGE

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

IV. DECLARATION

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NOTE: The title of the person signing on behalf of a concern or nonprofit organization should be specified.

NAME OF PERSON SIGNING Simon Chin

TITLE OF PERSON President

(if signing on behalf of a concern or non-profit organization)

ADDRESS OF PERSON SIGNING Iris BioTechnologies, Inc., 5201 Great America Pkwy.,

Suite 320, Santa Clara, CA 95054

SIGNATURE Simon H. M. Chin

DATE

9/7/99

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OCT 29 2003

Verified Statement (Declaration) Claiming Small Entity Status
Application No. 60/134,110

Attorney Docket No. 25527-0001
Page 3

Respectfully submitted,



William Schmonsees
Attorney for Applicants
Reg. No. 31,796

Date: 9/16/99

Heller Ehrman White & McAuliffe
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May 2000

May 2000						June 2000					
S	M	T	W	T	F	S	M	T	W	T	F
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Monday

May 1

Tuesday

2

Wednesday

3

Thursday

4

Friday

5

Sat/Sun

6